



MARTIN COUNTY, FLORIDA

DEVELOPMENT REVIEW

STAFF REPORT

A. Application Information

BARON LANDINGS COMMERCIAL REVISED MINOR FINAL SITE PLAN

Applicant:	Baron Landings, LLC
Property Owner:	Baron Landings, LLC, Jeremiah Baron
Agent for the Applicant:	Giangrande Engineering and Planning, Leo Giangrande
County Project Coordinator:	Elizabeth (Liz) Nagal, AICP, CNU-A, Development Review Administrator
Growth Management Director:	Paul Schilling
Project Number:	G076-006
Record Number:	DEV2023010003
Report Number:	2024_0314_G076-006_Staff_Report_Draft
Application Received:	03/08/2023
Transmitted:	03/09/2023
Date of Report:	04/21/2023
Application Received:	06/15/2023
Transmitted:	06/16/2023
Date of Report:	11/27/2023
Application Received:	02/02/2024
Transmitted:	02/06/2024
Date of Report:	03/14/2024

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B. Project description and analysis

This is a request by Giangrande Engineering and Planning on behalf of Baron Landings, LLC for approval of a minor final site plan for three (3) commercial buildings of approximately 16,000 square feet on approximately 4.63-acres of a 20.06-acre site. The site is located at 6801 S Kanner Highway, north of SE Cove Road and south of SE Salerno Road. The subject 4.63-acres was rezoned from PUD to General

Commercial (GC) in November 2022. Included is a request for a Certificate of Public Facilities Reservation.

Access to the site is proposed from a shared ingress and egress from SW Kanner Highway, with one additional egress only onto SW Kanner Highway.

The property is located within the primary urban services district and will have access to the full complement of public services.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Liz Nagal	320-3056	Non-Comply
F	ARDP	Samantha Lovelady	288-5664	Comply
G	Development Review	Liz Nagal	320-3056	Non-Comply
H	Urban Design	Liz Nagal	320-3056	Comply
H	Community Redevelopment	Liz Nagal	320-3056	N/A
I	Property Management	Ellen MacArthur	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	Non-Comply
J	Landscaping	Karen Sjöholm	288-5909	Non-Comply
K	Transportation	Lukas Lambert	221-2300	Comply
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Michael Grzelka	288-5920	Non-Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
O	Water and Wastewater	James Christ	320-3034	Non-Comply
O	Wellfields	James Christ	320-3034	Comply
P	Fire Prevention	Doug Killane	288-5633	Comply
P	Emergency Management	Sally Waite	219-4942	N/A
Q	ADA	Michael Grzelka	288-5920	Comply
R	Health Department	Nick Clifton	221-4090	N/A
R	School Board	Mark Sechrist	223-1200	N/A
S	County Attorney	Elysse Elder	288-5925	Review Ongoing
T	Adequate Public Facilities	Liz Nagal	320-3056	Pending

D. Review Board action

This application complies with the threshold for processing as a minor development, pursuant to Table 10.2.C.1., Section 10.2.C., LDR, Martin County, Fla. (2023). As such, final action will be taken by the Growth Management Director.

Pursuant to Sections 10.1.E. and 10.2.B.2., Land Development Regulations, Martin County, Fla. (2019), it shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

The applicant is required to re-submit materials in response to the non-compliance findings within this report. Upon receipt, the re-submitted materials will be transmitted for review to the appropriate review agencies and individuals that participate in the County's review process. A revised staff report will be created once the next review cycle has been completed.

E. Location and site information

Parcel number(s) and address:	553841000043000302
Existing Zoning:	General Commercial (GC)
Future land use:	Commercial General
Total Site Area:	4.63-Acres

Figure 1
Overall Property Location Map



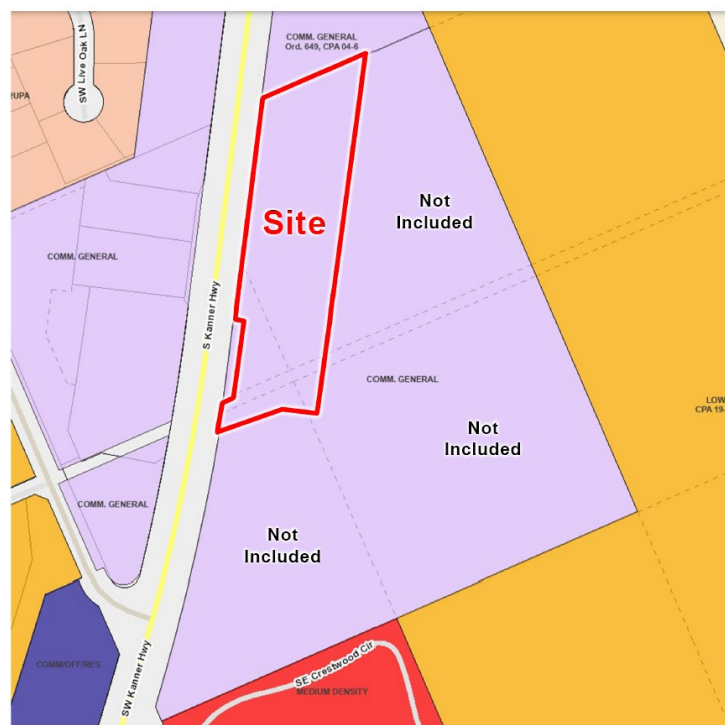
Figure 2
Subject Parcel Location Map



Zoning districts of abutting properties:

To the north:	General Commercial
To the south:	General Commercial
To the east:	General Commercial
To the west:	ROW

Figure 3
Future Land Use Map



Future land use designation of abutting properties:

To the north/south/east: Comm. General
To the west: ROW

F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department

Unresolved Issues:

Item #1:

General Compliance

This application cannot be deemed to be in compliance with the Martin County Comprehensive Growth Management Plan (CGMP) until the issues identified in this report have been satisfactorily resolved. MARTIN COUNTY, FLA., CGMP POLICY 4.1A.1. (2019).

G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department

Unresolved Issues:

Item #1:

General

1. The third submittal plans have modified the site plan to include four separate future platted lots rather than one lot. The change in the proposed site plan has caused new comments throughout this staff report.

Item #2:

Site Plan Graphics

1. Provide the site plan separate from the construction plan set (sheets are titled as site plan but still submitted within construction plan set). Please label as “Revised Minor Final Site Plan”
2. The current submittal now shows four separate lots instead of one lot. The back lot, proposed to be multifamily, needs to be addressed as part of the future plat. The preserve area needs to be addressed as part of the future plat.
3. Please clarify some linework on the site plan.
 - a. The sidewalk along S Kanner Highway is not clearly shown.
 - b. The labels for outdoor seating on the overall plan is different than the labels on the subject site sheet.
 - c. The overall site plan indicates four separate lots, however the affected area site plan does not clearly indicate the lot lines.
 - d. Please remove/clarify some of the diagonal line work through the site and remove drainage lines.
 - e. Some parking spaces in front of building C has parking stops but the rest of the parking spaces do not. Please clarify. The landscape diamonds do not appear to have any curbing.
4. The overall boundary dimensions were provided however, the dimensions for individual lots were not included.
5. The parcel boundary dimension along S Kanner Highway is not complete (missing dimension along

FDOT Lake Easement/Wetland portion.

6. Lot size and building coverage now needs to be broken down by individual developable lot. Open space can still be applied to the overall development area (4.63 acres) per Section 3.15.1, Arti. 3, Division 2.
7. Coordination with multifamily project:
 - a. The proposed sidewalk connection along the northern egress lane doesn't line up with multifamily connection. Please coordinate and revise.
 - b. An opaque fence within the 30' landscape buffer is shown both on commercial and multifamily project in different locations.
 - c. The submitted multifamily plans show boardwalks in the preserve area. As the PAMP is being amended with this commercial project, the overall site plan should depict boardwalk through preserve area (see Section J- Environmental).
8. Any signage besides directional signs that do not have logos require separate building permits. Please remove all signage besides directional signs from site and construction plans.

Item #3:

Site Plan Data

1. Please revise from building data to separate "lot" data, similar to the building breakdown but referencing the proposed developable lots and include proposed setbacks, lot size and building coverage. The "required" data can still be separate from the individual lots, with the lot data only including the "proposed" data.

Additional Information:

Information #1

No land clearing is authorized prior to the pre-construction meeting for the project. Authorization for clearing to install erosion control devices and preserve barricades will be granted at the pre-construction meeting. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained. Authorization for the relocation of gopher tortoises within the development, as provided for by applicable state agency permits may be granted by the Growth Management Department. MARTIN COUNTY, FLA., LDR SECTION 10.14.C. (2019)

H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department

Commercial Design

Findings of Compliance:

Staff has reviewed this application and finds that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

Community Redevelopment Area

The proposed project is not located within a Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer was not required to review this application.

I. Determination of compliance with the property management requirements – Engineering Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

J. Determination of compliance with environmental and landscaping requirements - Growth Management Department

Environmental

Unresolved Issues:

Item#1: Site Plan and PAMP

The application for a multifamily development being reviewed concurrently with this application shows a proposed pedestrian trail within the preserve area. For consistency, please show the trail on this site plan and provide language in the PAMP in the allowable uses section that addresses the trail.

Item#2: Preserve Areas

The preserve areas will be established and the PAMP approved with the commercial application currently under review on this property. If/when these projects are approved and platted, who will be responsible for the short and long term maintenance of the preserves and compliance requirements in the PAMP? Will a POA be created to maintain these preserves or will the preserve areas be the responsibility of the commercial POA or the residential HOA? Please explain.

Landscape

Unresolved Issues:

Item #1:

Landscape Tabular Data

Landscape plans shall include a table which lists the gross and net acreage, acreage of development and preservation areas, number of trees and tree clusters to be protected within the developed area and within perimeter areas, Tabular data shall also indicate a calculation of the minimum total number of trees and shrubs required to be planted based upon the proposed developed area and separately based upon quantities required to meet the vehicular use area planting requirements and any required bufferyard requirements.

Please also include the following:

Identify proposed FL native plant species in the Landscape Tabular Data and demonstrate that at least 75% of required trees and shrubs, and at least 50% of required groundcover species provided are native.

Remedy/Suggestion/Clarification:

Quantity of shrubs stated to be required for the Type 3 buffer is not correct. The correct requirement is that 34 shrubs be provided for every 300sf of buffer.

$23,250/300 \text{ sf} = 77.5 \times 34 = 2,635 \text{ shrubs} / 2 = 1318 \text{ shrubs per } \frac{1}{2} \text{ of Type 3 buffer.}$ Each project will be required to provide 1,318 shrubs to meet the buffer requirement. Revise buffer area to meet this requirement.

The response letter asserts that *Hamelia 'compacta'* is a native species. The Florida Association of Native Nurseries does not agree. Please see <https://www.fann.org/info/plants/the-hamelia-mess/>. Betrock's

Plantfinder also does not classify 'compacta' to be a native species.

Hamelia patens can still be utilized if usage falls within the non-native shrub allowance of 25%. Native percentages will be re-evaluated when the buffer plantings specified are modified to meet Code requirements as discussed above.

Consider substituting the native dwarf firebush – *Hamelia patens* 'calusa' or another native species.

Item #2:

Vua Requirements-Non-Res Sites

Please demonstrate compliance with the following criteria for perimeter vehicular use areas (Section 4.663.A.4.a., LDR)

A data table has been provided for identification of the interior VUA planting areas, however, there is no plan that identifies locations of the A-Q areas.

Remedy/Suggestion/Clarification:

Please provide plan to identify areas. Dimension areas utilized to meet interior vehicular use areas (VUA) and parking islands.

Item #3:

Landscape Native Tree Protect & Survey

A tree survey is required to identify specific native trees required to be protected from development [Section 4.666, LDR]. Please note that trees in proposed preservation areas, palm trees and non-native species need not be identified on this survey. Existing native vegetation shall be retained to act as buffers between adjacent land uses, and to minimize nuisance dust noise and air pollution during construction. The following information shall be provided for trees in the developed area:

1. A tree survey including approximate position of protected trees, protected tree clusters, landscaping and other vegetation to be preserved or removed. Trees required to be protected include any hardwood native tree having a diameter of eight inches DBH or greater throughout the developed site. Within the perimeter area, protected trees include any native hardwood tree four (4) inches DBH or greater, or any native softwood tree including pine trees (8) inches DBH or greater. Clearly identify the specific tree species required to be protected on the survey; these trees should be flagged in the field for staff verification.
2. The development activity shall preserve at least ten percent of the total number of protected trees on the site unless it can be shown that the property would be precluded of reasonable use if the trees are not removed.

Remedy/Suggestion/Clarification:

A tree survey/disposition plan was provided in this round. However, no tree numbers were identified on the plan. I was able to compare original tree survey with this plan to be able to figure what they were, but in future submittals, please include labeling.

There are many large oaks on site and effort should be exerted to protect as many as possible. Only 2 trees have been protected, barely the minimum of 10%. There is a 33" diameter oak tree (#47) very close to the northern property line on the slope of the dry retention; effort should be made to protect this tree.

Item #4:

Landscape Bufferyard Fence, Wall, Berm

Please demonstrate compliance with the following criteria for landscape bufferyards [Section 4.663.B.8., LDR]:

- 1.
2. Berms used in place of the fence or wall requirement shall have no more than a three-foot horizontal to a one-foot vertical slope. Berms may be used in combination with fences or hedges to achieve the minimum six-foot-high 100 percent opaque requirement.

Remedy/Suggestion/Clarification:

- a) The western Type 3 buffer is being shared with the residential site. Plans for both projects indicate installation of a fence. Which project is to provide this fence? Please coordinate.
- b) A perimeter berm is shown on the residential site; no grades are shown on plans for this commercial site, but the commercial parking lot is over a foot higher than the proposed height of the adjacent berm which is also shown to match the off-site grade at elevations between 8.85 and 10.62. Is this going to result with a swale being in the middle of the buffer? Please coordinate with the adjoining project to establish a cohesive buffer design. Perhaps one perimeter berm can be shared by the 2 projects.

Item #5:

Turfgrass And Groundcover

Remedy/Suggestion/Clarification:

The General Notes No. 4 (Sheet LD-02) states that all sod is to be Paspalum notatum. The Plant Schedule only lists 28,500 sf of Floratam [St Augustine](#) 'Bitter Blue'. Please clarify.

K. Determination of compliance with transportation requirements - Engineering Department

Findings of Compliance:

The Traffic Division of the Public Works Department finds this application in compliance.

Compliance with Adequate Public Facilities Ordinance:

Staff has reviewed the Traffic Statement prepared by O'Rourke Engineering & Planning, dated May 2023. O'Rourke Engineering & Planning stated that the site's maximum AM peak hour impact was assumed to be 62 directional trips. The report finds that SW Kanner Highway (SR-76) is the recipient of a majority of the generated trips. The project impact is 2.05% of the generalized volume of that roadway. SW Kanner Highway (SR-76) is currently operating at a level of service C; it is anticipated to operate at level of service C at buildout (year 2025).

L. Determination of compliance with county surveyor - Engineering Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department

Unresolved Issues:

1. Submit a preliminary plat for review.
2. The configuration of the individual lots is unclear and insufficient for the review and approval of an eventual plat. Provide bearings and distances along each of the proposed lot lines within the boundary of the Final Site Plan.
3. The preliminary plat must address how parking, access, and stormwater will be shared. It is likely that a common area tract will be required for these elements.

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments

Addressing

Findings of Compliance:

The application has been reviewed for compliance with Division 17, Addressing, of the Martin County Land Development Regulations. Staff finds that the proposed site plan / plat complies with applicable addressing regulations. All street names are in compliance. They meet all street naming regulations in Article 4, Division 17, Land Development Regulations. Martin County, Fla. (2023).

Electronic File Submittal

Findings of Compliance:

Both AutoCAD site plan and boundary survey were received and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2023).

O. Determination of compliance with utilities requirements - Utilities Department

Water and Wastewater

Unresolved Issues:

Item #1:

Drawings Must Be Approved

The construction drawings must be approved by the Utilities and Solid Waste Department prior to sign off by the Department of permit applications and agreements. [ref. Martin County Water and Wastewater Service Agreement. 6. Obligations of Developer, Paragraph 6.1]

The applicant must submit an executable, water and wastewater service agreement (to include potable irrigation flows prior to Site Plan Approval) and payment to the Utilities Department for review prior to the scheduling of a Pre-construction meeting (Send a copy to the Growth Management Department). The 'Water and Wastewater Service Agreement' must be executed, and the applicable fees paid within sixty 60 days of final Martin County approval of the request.

Wellfield and Groundwater Protection

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances. [Martin County, Fla., LDR, Article 4, Division 5] (2016)

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department

Fire Prevention

Finding of Compliance

The Fire Prevention Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews

Emergency Preparedness

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department

Findings of Compliance:

The Public Works Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements. [2020 Florida Building Code, Accessibility, 7th Edition]

R. Determination of compliance with Martin County Health Department and Martin County School Board

Martin County Health Department

The applicant has indicated that the proposed final site plan contains no onsite potable wells or septic disposal systems. Therefore, the Department of Health was not required to review this application for consistency with the Martin County Code requirements within the Land Development Regulations or Comprehensive Growth Management Plan. MARTIN COUNTY, FLA., LDR SECTION 10.1.E. (2019)

Martin County School Board

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

S. Determination of compliance with legal requirements - County Attorney's Office

Review Ongoing

T. Determination of compliance with the adequate public facilities requirements - responsible departments

The following is a summary of the review for compliance with the standards contained in Section 5.32.D., LDR, Martin County, Fla. (2016), for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities service provider – Martin County Utilities

Findings – Pending Evaluation

Source - Martin County Utilities

Reference - see Section O of this staff report

Sanitary sewer facilities service provider – Martin County Utilities

Findings – Pending Evaluation

Source - Martin County Utilities

Reference - see Section O of this staff report

Solid waste facilities

Findings – In Place

Source - Growth Management Department

Stormwater management facilities

Findings – Pending Evaluation

Source - Engineering Services Department

Reference - see Section N of this staff report

Community park facilities

Findings – In Place

Source - Growth Management Department

Roads facilities

Findings – Pending Evaluation

Source - Engineering Services Department

Reference - see Section M of this staff report

Mass transit facilities

Findings – Positive Evaluation

Source - Engineering Services Department

Reference - see Section K of this staff report

Public safety facilities

Findings – In Place

Source - Growth Management Department

Reference - see Section P of this staff report

Public school facilities

Findings – N/A

Source - Growth Management Department

Reference - see Section R of this staff report

A timetable for completion consistent with the valid duration of the development is to be included in the Certificate of Public Facilities Reservation. The development encompassed by Reservation Certificate must be completed within the timetable specified for the type of development.

U. Post-approval requirements

Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Please submit all of the following items in a single hard copy packet and in electronic pdf format (on disk or flash drive) with the documents arranged in the order shown in the list below. The 24" x 36" plans should be submitted rolled and in separate sets as itemized below.

Item	Description	Requirement
1.	Response to Post Approval Requirements List	The applicant will submit a response memo addressing the items on the Post Approval Requirements List.
2.	Post Approval Fees	The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.
3.	Recording Costs	The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.
4.	Warranty Deed	One (1) copy of the recorded warranty deed if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating that no title transfer has occurred.

Item	Description	Requirement
5.	Unity of Title	Original and one (1) copy of the current Unity of Title in standard County format if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating so that no transfer has occurred.
6.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved final site plan.
7.	Approved Landscape Plan	One (1) 24" x 36" copy of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida.
8.	Digital Copy of Site Plans	One (1) digital copy of the site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.
10.	Engineer's Design Certification	Original of the Engineer's Design Certification, on the County format which is available on the Martin County website, signed and sealed by the Engineer of Record licensed in the State of Florida.
11.	Water & Wastewater Service Agreement	Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.
12.	Flash/Thumb Drive	One (1) blank flash/ thumb drive for digital file recording.

V. Local, State, and Federal Permits

Approval of the development order is conditioned upon the applicant's submittal of all required applicable Local, State, and Federal Permits, to Martin County prior to scheduling the pre-construction meeting.

W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$8,750.00	\$8,750.00	\$0.00
Inspection Fees:	\$4,160.00		\$4,160.00
Advertising fees*:	TBD		
Recording fees**:	TBD		
Impact fees***	TBD		

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

*** Impact fees to be paid at time of building permit issuance.

X. General application information

Owner: Jeremiah Baron & Co. Commercial Real Estate, LLC- Baron Landings LLC
Brendan DeBlois
49 SW Flagler Avenue, Suite 301
Stuart, FL 34994

Agent: Giangrande Engineering and Planning, Leo Giangrande
2081 SE Ocean Boulevard, Suite 1A
Stuart, FL 34996

Engineer of Record: Giangrande Engineering and Planning, Leo Giangrande
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Y. Acronyms

ADA..... Americans with Disability Act
AHJ Authority Having Jurisdiction
ARDP Active Residential Development Preference
BCC..... Board of County Commissioners
CGMP Comprehensive Growth Management Plan
CIE Capital Improvements Element
CIP Capital Improvements Plan
FACBC Florida Accessibility Code for Building Construction
FDEP Florida Department of Environmental Protection
FDOT Florida Department of Transportation
LDR..... Land Development Regulations
LPA Local Planning Agency
MCC..... Martin County Code
MCHD..... Martin County Health Department
NFPA National Fire Protection Association
SFWMD..... South Florida Water Management District
W/WWSA.... Water/Waste Water Service Agreement

Z. Attachments